

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

PFE
ORIGINAL
(Red)

SUBJECT: Determination Not To Pursue Cost Recovery
Crummell School Site, Washington D.C.

DEC 26 2001

FROM: *Lawrence G. Holliday*
Lawrence G. Holliday, Cost Recovery Analyst
Cost Recovery Section (3HS12)

TO: File

THRU: *Laura B. Janson*
Laura B. Janson, Chief
Cost Recovery Section (3HS12)

Drums containing acetylene and propane plus other debris and trash were left on the site of a former school in Northeast Washington D.C. The Site, while still owned by the District of Columbia Public Schools (DCPS), had been rented to a contractor who had abandoned the property. On July 30, 1999, an EPA On-Scene Coordinator met at the Site with representatives of the D.C. Environmental Crimes Unit and the D.C. Fire/EMS Special Hazards Unit as well as representatives of the DCPS. The weather was very hot and the extremely hazardous conditions and potential for fire were pointed out by the OSC. The DCPS immediately arranged for its contractor to begin cleaning up the Site.

EPA costs for the Site are \$165.09. A recommendation is made that this Site be closed out for cost recovery. The attached Memorandum gives additional information to support this recommendation.

I concur:

Abraham Ferdas
Abraham Ferdas, Director
Hazardous Site Cleanup Division

12/26/01
Date

William C. Early
William C. Early, Regional Counsel
Office of Regional Counsel

12/21/01
Date

I do not concur:

Abraham Ferdas, Director
Hazardous Site Cleanup Division

Date

William C. Early, Regional Counsel
Office of Regional Counsel

Date



**Attachment to Memorandum Re: Determination Not to Pursue Cost Recovery
Crummell School Site, Washington, D.C.**

DEC 2/6 2001
ORIGINAL
(Red)

Site Description

Crummell School Site is a former school building located at 1912 Gallaudet Street, N.E. in a residential section of Washington, D.C. The property was still owned by D.C. Public Schools (DCPS) and had been rented to a contractor who had apparently abandoned the site.

History of the Site and Actions Conducted

On July 30, 1999, an EPA On-Scene Coordinator and other EPA personnel were in the District of Columbia when they were contacted by an investigator from the D.C. Environmental Crimes Unit (DC ECU) regarding a number of abandoned drums found at the site of a former school building (Crummell School) on Gallaudet Street in North East Washington. The drums were believed to contain acetylene and propane plus other materials. While the property was fenced, there were large enough holes in the fence where anyone could enter and additional junk material had been dumped on the lot. The property, located in a residential area, was owned by D.C. Public Schools (DCPS) and had been rented to a contractor who had apparently abandoned the Site. At the time that the DC ECU investigator spoke with the OSC, the D.C. Hazmat and Fire personnel were on the scene and were concerned with the threat of fire/explosions from the drums as the temperature was about 100 degrees and the hot weather was expected to continue.

The OSC met with personnel from DC ECU, DCPS and an inspector from the D.C. Fire/EMS Special Hazards Unit to discuss the potential threat. The OSC walked the Site and noted drums stacked by the main building, drums which appeared to be buried under a large pile of dirt sitting atop concrete paving, and a few containers inside the school building. A hole had been torn in the fence which surrounded the property, and oily waste and auto filters had been dumped or poured onto the property. Other drums and tanks were scattered in the weeds throughout the property. DCPS representatives agreed to take immediate action to prevent a release of hazardous materials from the drums on the Site, and they mobilized their contractor, Tri-County Industries, to the Site. The OSC discussed with the representatives steps that could be taken to contain the drums, thereby preventing a release.

DCPS also agreed to hire security until the threat was resolved; to cut the tall grass and weeds and to brick-over the open building entrance to preclude further dumping. DCPS assured the OSC that the hazards would be removed and the Site secured as quickly as possible. Tri-County Industries began work on the Site immediately.

On August 19, 1999, the OSC traveled to the Site to confirm that the clean-up had been completed. All visible hazards had been removed from the Site and the gates were posted to deter dumping and trespassing. However, a hole in the Okie Street side of the fence remained

open and there was fresh oil staining the soil in the vicinity of the hole in the fence. Because there was no waterway or access to a waterway nearby, the oil did not represent a threat under Federal regulations; however, the OSC did contact DC ECU and the DC Fire/EMS Special Hazards Unit to let them know about the ongoing dumping at this particular spot at the Site. The OSC also notified them that she planned to close out the Site with regard to Removal Response Program interest. All known hazards at the Site were addressed by DCPS, the owner of the property.

PRP Search

The PRP for the Crummell School Site is the District of Columbia Public School System which owns the Site property. Although the Site had been rented out to a contractor who had possibly abandoned the drums on the Site, the contractor was never identified in available documents.

Statute of Limitations

The PRP Emergency Removal began on August 3, 1999 and was completed on September 1, 1999. The OSC last visited the Site on August 19, 1999 to confirm that the clean-up had been completed. The SOL could expire on August 19, 2002.

Site Costs

Site costs are \$165.09.

Discussion of Basis Not to Cost Recovery/Recommendations

When the OSC and other officials met on July 30, 1999 and the OSC pointed out the threats from hazardous substances that existed at the Site, the representatives of the District of Columbia Public School System immediately arranged for its contractor to begin cleaning up the Site. Site costs, as noted above, are \$165.09. A recommendation is made that the Site be closed out for cost recovery. The EPA Office of Enforcement and Compliance Assurance policy titled "Cost Recovery Cases Where Site Costs Total Less Than \$200,000" is applicable. This policy states in part that pursuit of such cases is unjustified given that limited Regional resources are fully occupied pursuing higher priority activities.

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Hazardous Site Cleanup Division

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William C. Early, Regional Counsel
Office of Regional Counsel

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I do not concur:

Abraham Ferdas, Director
Hazardous Site Cleanup Division

Date

William C. Early, Regional Counsel
Office of Regional Counsel

Date

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